

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Timothy Wayne Connors,
5 Petitioner

6 v.

7 Warden Brian E. Williams, Sr., et al.,
8 Respondents

Case No.: 2:15-cv-01351-JAD-CWH

Order

[ECF Nos. 84, 87, 88, 90, 91, 93, 94]

9 Counseled petitioner Timothy Wayne Connors has filed a pro se motion or request for a
10 court order.¹ His counsel then filed a motion to allow Connors's pro se motion to be refiled in a
11 new case as a civil-rights complaint under § 1983.² Respondents move to strike the pro se
12 filing,³ and I grant the motion for several independent reasons.

13 First, Connors's pro se filing is a fugitive document not properly before the court.
14 Second, as his counsel alludes in her subsequent motion, Connors's pro se motion is best
15 construed as a pro se civil-rights complaint that alleges a violation of his constitutional right of
16 access to the courts. If Connors wants to pursue this claim pro se, he must file a civil-rights
17 complaint on this court's required form, and he must either pay the \$400 filing fee or submit a
18 fully completed application to proceed *in forma pauperis*. Third, Connors alleges that personnel
19 at a prison in Arizona (to which he was transferred for a period of time before being transferred
20 back to Nevada) failed to give him his legal documents. So it appears that Connors should file
21 his complaint in the District of Arizona—not here. I also note that there is no indication of what
22 the missing materials are or how their absence has impeded Connors's ability to litigate the
23 petition.

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26 ¹ ECF No. 90.

27 ² ECF No. 94.

28 ³ ECF No. 91.

1 Accordingly, IT IS HEREBY ORDERED that respondents' motion to strike [ECF No.
2 **91] is GRANTED.** Connors's pro se motion for court order [ECF No. 90] is **STRICKEN**.

3 IT IS FURTHER ORDERED that Connors's counseled motion to allow his pro se motion
4 to be reopened as a civil-rights complaint [ECF No. 94] is **DENIED**.

5 IT IS FURTHER ORDERED that respondents' second motion for an extension of time to
6 file a response to the amended petition [ECF No. 84] is **GRANTED** *nunc pro tunc*.

7 IT IS FURTHER ORDERED that Connors's first and second motions for an extension of
8 time to file an opposition to the dismissal motion [ECF Nos. 87, 88] are both **GRANTED** *nunc*
9 *pro tunc*.

10 IT IS FURTHER ORDERED that the respondents' motion for an extension of time to file
11 a reply in support of the motion to dismiss [ECF No. 93] is **GRANTED**. Respondents **have**
12 **until July 16, 2018, to FILE and SERVE their reply.**

13 Dated: June 15, 2018

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16 U.S. District Judge Jennifer A. Dorsey
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